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HB 801 - Postsecondary Education: HOPE Scholarship

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EDUCATION

Postsecondary Education: Amend Title 20 of the Official Code of Georgia Annotated, Relating to Education, so as to Revise Various Provisions Regarding the HOPE Scholarship; Include Certain Coursework in Computer Science as Optional Rigor Requirements; Provide for Weighted Scores for Certain College Coursework; Provide for a Biennial Report; Clarify Definitions; Provide for Related Matters; Provide for Effective Dates; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. §§ 20-2-157, 20-3-519, 20-3-519.2 (amended)
BILL NUMBER:	HB 801
ACT NUMBER:	617
GEORGIA LAWS:	2016 Ga. Laws 850
SUMMARY:	The Act amends provisions of the HOPE scholarship by allowing students who choose to take more rigorous courses to have a weighted grade point average for the evaluation of their HOPE scholarship disbursement.
EFFECTIVE DATE:	July 1, 2016, except Section 3 of this Act shall become effective on July 1, 2020.

History

Leaders from Thomas Jefferson to Barack Obama have correctly viewed higher education as “an economic imperative.”¹ The statistics back the rhetoric on this point. Individuals with only a high school degree are twice as likely to face unemployment as those with a post-

1. James B. Hunt, Jr. & Thomas J. Tierney, Nat’l Ctr. for Pub. Policy and Higher Educ., American Higher Education: How Does It Measure Up for the 21st Century? 1 (2006), http://www.highereducation.org/reports/hunt_tierney/Hunt_Tierney.pdf; Press Release, The White House Office of the Press Sec’y, Remarks by the President on College Affordability (Aug. 22, 2013), <https://www.whitehouse.gov/the-press-office/2013/08/22/remarks-president-college-affordability-syracuse-ny>.

secondary degree.² Historically, national, state, and local governments have prioritized investments in higher education.³ As a result, the United States is home to eight of the world's top ten institutions of higher learning.⁴

Today the costs associated with a college education are increasing, jeopardizing access for many students who stand to benefit the most from higher education's transformative effects.⁵ In 1990, the United States ranked first in the world for four-year degree attainment, but twenty-six years later, it now ranks twelfth.⁶ In response, many states, including Georgia, have developed programs to help increase access to higher education by eliminating financial barriers.⁷ Georgia is one of eight states that use the lottery to fund a merit-based scholarship program that broadens access to higher education.⁸

In 1991, the Georgia General Assembly passed an amendment to the state constitution requiring all proceeds from the state lottery be spent on educational purposes.⁹ The program created by this amendment and subsequent legislation, the Helping Outstanding Pupils Educationally ("HOPE") program, continues to this day.¹⁰ In its current form, the HOPE Scholarship pays for part a student's tuition if he or she maintains a 3.0 Grade Point Average ("GPA").¹¹ The "more lucrative Zell Miller Scholarship" pays for a larger

2. Catherine Bittar, *The Economics of Higher Education: Why College is a Worthwhile Investment*, The Huffington Post (Oct. 19, 2012, 6:12 PM), http://www.huffingtonpost.com/catherine-bittar/college-investment_b_1989876.html.

3. *Id.* ("Education is the single largest expenditure for state and local governments in the U.S., accounting for 30 percent of their allotted budgets. Of that total education spending, 40 percent is spent on higher education—about \$386 billion per year.")

4. *Higher Education: Not What it Used to Be*, The Economist (Dec. 1, 2012), <http://www.economist.com/news/united-states/21567373-american-universities-represent-declining-value-money-their-students-not-what-it>.

5. *Id.* The cost of university per student has risen by almost five times the rate of inflation in the past thirty years, and two-thirds of college graduates have taken out loans averaging \$26,000 of debt. *Id.*

6. *Higher Education*, The White House, <https://www.whitehouse.gov/issues/education/higher-education> (last visited Sept. 17, 2016).

7. Tenn. Higher Educ. Comm'n, *A Comparison of States' Lottery Scholarship Programs* 5 (2012), <https://thecc.ppr.tn.gov/THECSIS/Lottery/pdfs/SpecialReports/A%20Comparison%20of%20States'%20Lottery%20Scholarship%20Programs%20120717.pdf>.

8. *Id.*

9. James Barlament, *HOPE Scholarship*, New Ga. Encyclopedia, <http://www.georgiaencyclopedia.org/articles/education/hope-scholarship> (last updated Dec. 15, 2015).

10. *Id.*

11. *Id.*

portion of a student's tuition if he or she maintains a 3.30 GPA.¹² Many legislators, including Representative Jan Jones (R-47th), believed that the HOPE and Zell Miller Scholarship programs' GPA requirements disincentivized recipients from pursuing studies in academically rigorous programs in science, technology, engineering, and mathematics ("STEM") fields.¹³ During the 2016 legislative session these legislators introduced HB 801 to address this problem.¹⁴

STEM fields span a wide range of occupations, including mathematics and biomedical research.¹⁵ STEM-educated innovators are crucial to maintaining the United States' position as a global economic leader.¹⁶ Economists project a national shortage of one million STEM professionals over the next ten years.¹⁷ The pipeline of teachers skilled in STEM subjects is also inadequate, because so few students pursue STEM fields.¹⁸ Remediating the shortage of STEM-educated professionals and educators is critical if the country wants to maintain its historical position of prominence in the areas of science and technology.¹⁹

In response to the concern surrounding the underproduction of STEM graduates, researchers at Georgia and Oklahoma State Universities examined whether HOPE affects major college decisions, and how HOPE affects STEM majors in particular.²⁰ The study found that state-sponsored, merit-based scholarships, such as

12. Maureen Downey, *Should Georgia Lower GPA Required to Keep HOPE for GaTech Students?* Atlanta J.-Const.: myAJC: Get Schooled (Oct. 15, 2015), <http://getschooled.blog.myajc.com/2015/10/15/new-study-pressure-to-get-and-keep-hope-could-be-reducing-students-willing-to-take-tough-stem-courses/>.

13. Telephone Interview with Rep. Jan Jones (R-47th) (Apr. 12, 2016) [hereinafter "Jones Interview"].

14. *Id.*

15. Monthly Labor Review, *STEM Crisis or STEM Surplus? Yes and Yes*, U.S. Dep't of Labor, Bureau of Labor Statistics, (May 2015), <http://www.bls.gov/opub/mlr/2015/article/stem-crisis-or-stem-surplus-yes-and-yes.htm>.

16. *Science, Technology, Engineering and Math: Education for Global Leadership*, U.S. Dep't of Educ., <http://www.ed.gov/stem> [hereinafter *Education for Global Leadership*] (last visited Sept. 3, 2016).

17. President's Council of Advisors on Sci. and Tech., Exec. Office of the President of the U.S., ENGAGE TO EXCEL: PRODUCING ONE MILLION ADDITIONAL COLLEGE GRADUATES WITH DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (2012), https://www.whitehouse.gov/sites/default/files/microsites/ostp/fact_sheet_final.pdf [hereinafter ENGAGE TO EXCEL].

18. *Education for Global Leadership*, *supra* note 16.

19. ENGAGE TO EXCEL, *supra* note 17.

20. David L. Sjoquist & John V. Winters, *The Effect of Georgia's HOPE Scholarship on College Major: A Focus on STEM*, 4 IZA J. of Lab. Econ. 15, 1–2 (2015).

HOPE, can reduce the likelihood that students will complete a degree in a STEM field.²¹ In Georgia, fear of losing HOPE has reduced the number of students who pursue STEM degrees.²² Moreover, STEM majors are being disproportionately penalized for slipping below the GPA required to keep HOPE, because STEM courses are more demanding.²³ As a result, students avoid STEM majors to reduce the risk of losing HOPE, exacerbating the issue of STEM workforce shortages.²⁴ The primary thrust of HB 801 lowers GPA requirements for enumerated STEM classes.²⁵

Bill Tracking of HB 801

Consideration and Passage by the House

Representative Jones (R-47th), Robert Dickey (R-140th), Chad Nimmer (R-178th), Terry Rogers (R-10th), Jon Burns (R-159th), and Matt Ramsey (R-72nd) sponsored HB 801.²⁶ The House read the bill for the first time on January 22, 2016, and for a second time on January 25, 2016.²⁷ The House committed the bill to the House Committee on Higher Education on January 27, 2016, which favorably reported the bill by substitute the same day.²⁸ The House Committee Substitute added a requirement for the Georgia Student Finance Commission to provide a biennial report to the General Assembly regarding workforce shortages in STEM fields.²⁹ Additionally, it added language authorizing the Governor “to convene a task force to identify high demand fields and associated workforce shortages”³⁰ The bill was read in the House for the

21. Downey, *supra* note 12.

22. *Id.*; Sjoquist & Winters, *supra* note 20, at 20.

23. *See* Downey, *supra* note 12.

24. *See id.*

25. *See infra* Part III.

26. Georgia General Assembly, HB 801, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20152016/HB/801>.

27. State of Georgia Final Composite Status Sheet, HB 801, May 5, 2016.

28. *Id.*

29. HB 801 (HCS), § 2, p. 2–3, ll. 51, 70, 2016 Ga. Gen. Assemb.

30. *Id.*

third time on February 3, 2016, and passed on the same day with a vote of 167 to 0.³¹

Consideration and Passage by the Senate

Senator Butch Miller (R-49th) sponsored the bill in the Senate, where the bill was read for the first time on February 4, 2016.³² On March 10, 2016, the Senate Committee on Higher Education favorably reported the bill by substitute, and the bill was read for a second time on the following day.³³ The Senate read the bill for a third time on March 16, 2016; it passed by a vote of 54 to 0.³⁴ The House agreed to the amendment substitute on March 22, 2016, with another unanimous vote of 169 to 0.³⁵

The Act

Title 20 of the Official Georgia Code Annotated relates to education.³⁶ Section 1 of the Act amends Code section 20-2-157, which relates to the uniform reporting system and the academic eligibility requirements of the HOPE scholarship.³⁷ It revises subsection (f) in two places.³⁸ This subsection applies to students who graduate from high school on May 1, 2017, or later.³⁹ It also describes the categories of courses that count toward HOPE eligibility and explains how many times a single course can be counted.⁴⁰

31. State of Georgia Final Composite Status Sheet, HB 801, May 5, 2016.

32. Georgia General Assembly, HB 801, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20152016/HB/801>; State of Georgia Final Composite Status Sheet, HB 801, May 5, 2016.

33. State of Georgia Final Composite Status Sheet, HB 801, May 5, 2016.

34. *Id.*

35. *Id.*

36. 2016 Ga. Laws 850, § 1, at 850.

37. *Id.*

38. *Id.*

39. O.C.G.A. § 20-2-157(f) (2012 & Supp. 2015).

40. *Id.*

Adding a New Category of Courses That Count Toward HOPE

Section 1 adds “computer science” to the “advance science” category of courses a high student may count towards qualifying for HOPE.⁴¹ “Advance science,” one of seven enumerated curriculum categories, also includes Chemistry, Physics, Biology II, and equivalent or higher level courses.⁴² The “advanced math” category includes Advanced Algebra, Advanced Trigonometry, and Math III, as well as equivalent or higher courses.⁴³ The third category covers “[a]dvanced placement courses in core subjects.”⁴⁴

Courses that qualify for dual credit in core subjects make up the fourth category.⁴⁵ Category five covers courses in core subjects in an international baccalaureate program.⁴⁶ Certain courses in the University System of Georgia make up category six.⁴⁷ Finally, category seven is “[a]dvanced foreign language courses.”⁴⁸ In addition to adding Computer Science, Section 1 also amends the language at the end of subsection (f), providing that multiple courses within a category can be counted towards HOPE eligibility, but clarifying that a single class can only be counted once, by changing the phrase, “a course *may* be counted one time,” to “a course *shall* be counted one time.”⁴⁹

Weighting Academically Rigorous Courses Related to High Demand Fields

Section 2 amends subsection (b) of Code section 20-3-519.2, which also relates to HOPE eligibility requirements.⁵⁰ Subsection (b) sets out that only certain students at eligible postsecondary

41. 2016 Ga. Laws 850, § 1, at 850.

42. O.C.G.A. § 20-2-157(f)(1-6) (2012 & Supp. 2015); O.C.G.A. § 20-2-157(f)(2) (2012 & Supp. 2015); 2016 Ga. Laws 850, § 1, at 850.

43. O.C.G.A. § 20-2-157(f)(1) (2012 & Supp. 2015).

44. O.C.G.A. § 20-2-157(f)(3) (2012 & Supp. 2015).

45. O.C.G.A. § 20-2-157(f)(3.1) (2012 & Supp. 2015).

46. O.C.G.A. § 20-2-157(f)(4) (2012 & Supp. 2015).

47. O.C.G.A. § 20-2-157(f)(5) (2012 & Supp. 2015).

48. O.C.G.A. § 20-2-157(f)(6) (2012 & Supp. 2015).

49. 2016 Ga. Laws 850, § 1, at 850. (emphasis added).

50. 2016 Ga. Laws 850, § 2, at 851.

institutions are eligible for a HOPE scholarship.⁵¹ In addition, students must meet specific residency requirements set forth in Code section 20-3-519.1.⁵²

Pursuant to Code section 20-3-519.2, students must maintain a 3.0 GPA, as measured periodically throughout their postsecondary education to continue receiving HOPE funds.⁵³ The Act provides for “weighted grades for specific science, technology, engineering, and mathematics (STEM) college courses.”⁵⁴ Specifically, the weighting system will increase a student’s grade in a STEM course “by an additional 0.5 point if such grade is a B, C, or D.”⁵⁵ The courses eligible for weighted grade are academically rigorous and “required for or [lead] to employment in high demand fields in Georgia.”⁵⁶ The additional weighting begins in the 2017-2018 academic year.⁵⁷

Reporting Requirements

Section 2 further provides that the Georgia Student Finance Commission (the “Commission”) will provide a biennial report to the state House and Senate committees on Higher Education at the end of the 2017-2018 academic year.⁵⁸ The Commission’s report “shall include the fields identified as high demand fields and associated workforce shortages.”⁵⁹ The report must also include courses identified as highly rigorous, explain why those courses are relevant to high demand fields, and provide any other relevant information.⁶⁰

Updated Definitions and Effective Date

Section 3 amends three paragraphs of Code section 20-3-519, which relates to definitions relative to the HOPE scholarships and

51. O.C.G.A. § 20-3-519.2(b) (2016).

52. O.C.G.A. §§ 20-3-519.2(b), 20-3-519.1(a) (2016).

53. O.C.G.A. § 20-3-519.2(b)(1)(A) (2016).

54. 2016 Ga. Laws 850, § 2, at 851.

55. O.C.G.A. § 20-3-519.2(b)(2)(2016).

56. *Id.*

57. *Id.*

58. 2016 Ga. Laws 850, § 2, at 851.

59. O.C.G.A. § 20-3-519.2(b)(2)(2016).

60. *Id.*

grants.⁶¹ This section refines the definitions of “factor rate,” “HOPE award rate” and “HOPE tuition payment.”⁶² Section 4 states that the Act “shall become effective on July 1, 2016” with the exception of Section 3, which “shall become effective on July 1, 2020.”⁶³ Finally, Section 5 repeals any “laws and parts of laws in conflict with this Act.”⁶⁴

Analysis

Adding half a point to students’ grades is not a new concept in education.⁶⁵ High school students who take advanced courses already benefit from a similar system—something Representative Jones referenced when she introduced the legislation.⁶⁶ The Act creates a postsecondary environment, consistent with the existing high school experience, of rewarding students who take advanced or more rigorous courses.⁶⁷

Some have reacted to this Act with overwhelming enthusiasm. Students largely appreciate the “extra help” offered by the additional half point.⁶⁸ For some time, STEM majors have feared losing HOPE because of “a 2.8 GPA in biochemistry or physics,” due to the difficulty of STEM courses.⁶⁹ The “buffer” is expected to assuage these fears.⁷⁰ Outside of the classroom, others are optimistic that this

61. 2016 Ga. Laws 850, § 3, at 852.

62. *Id.*

63. 2016 Ga. Laws 850, § 4, at 852.

64. 2016 Ga. Laws 850, § 5, at 852.

65. Janel Davis, *Bill Would Boost GPA of HOPE Scholars Who Take Tough Classes*, Atlanta J.-Const. (Jan. 26, 2016, 5:52 PM), <http://www.ajc.com/news/news/local-education/hope-bill-increasing-gpa-for-tougher-classes-passe/nqCtQ/>.

66. Maureen Downey, *Bill Makes it Easier for Science, Math Majors to Keep HOPE*, Atlanta J.-Const. (Jan. 21, 2016, 9:37 AM), <http://www.ajc.com/news/news/local-education/bill-makes-it-easier-for-science-math-majors-to-ke/np8wr/>; Celia Shortt, *Proposed Legislative Bill Would Aid Georgia College Students*, The Newnan Times-Herald (Feb. 13, 2016, 12:52 AM), <http://times-herald.com/news/2016/02/proposed-legislative-bill-would-aid-georgia-college-students>; Shortt, *supra* note 66.

67. Shortt, *supra* note 66.

68. *See STEM Students Get Grade Boost for HOPE Scholarship*, WSB-TV Atlanta (Mar. 18, 2016, 5:38 PM), <http://www.wsbtv.com/news/local/cobb-county/stem-students-get-grade-boost-for-hope-scholarship/168316735> [hereinafter WSB-TV Atlanta].

69. Downey, *supra* note 12; Shortt, *supra* note 66.

70. WSB-TV Atlanta, *supra* note 68.

change will encourage more students to enroll in courses and pursue careers that meet the demand for STEM workers in Georgia.⁷¹

Critics of the legislation, however, are concerned for several reasons.⁷² First, there is no guarantee that students in STEM majors who benefit from the boost will stay in Georgia and alleviate the workforce shortages that prompted the Act.⁷³ Many Georgia Institute of Technology STEM graduates leave the state and even the country.⁷⁴ Second, the weighting system merely adjusts the standard downward to capture more students.⁷⁵ This may allow lower quality students to complete STEM degrees leading to a weaker workforce pool.

While critics offer reasonable arguments as to why this legislation may become an issue for Georgia's STEM workforce in the future, the possibility does remain that many qualified students will enter into these fields as they continue to grow.⁷⁶ Students at the Georgia Institute of Technology have long lamented that they were losing HOPE because the challenging courses required for STEM careers made it difficult to maintain a 3.0 GPA.⁷⁷ For students at Georgia Tech, an institution with global reach in engineering and other STEM fields, this legislation offers greater opportunities for students to find success while alleviating the financial burden of rising tuition costs. The Georgia legislature also claims this weighted system will not increase Georgia's costs for HOPE.⁷⁸ The state can instead reallocate state lottery dollars for HOPE and channel more of those funds towards these areas.⁷⁹ As a result, this law may allow Georgia to increase its STEM workforce without financially burdening the

71. WSB-TV Atlanta, *supra* note 68.

72. Maureen Downey, *Debate Over Whether to Change HOPE GPA for Math, Science Majors Will Move to Legislature*, Atlanta J.-Const.: MyAJC: Get Schooled (Jan. 21, 2016), <http://getschooled.blog.myajc.com/2016/01/21/debate-over-whether-to-lower-hope-gpa-for-math-science-majors-will-move-to-legislature/>.

73. *Id.*

74. *Id.*

75. *Id.*

76. Leigh DeLozier, *18 Georgia STEM Jobs That Earn \$80k with Only a Bachelor's Degree*, Atlanta J.-Const. (Apr. 13, 2016, 9:32 AM), <http://www.ajc.com/news/business/employment/18-georgia-stem-jobs-earn-80k-only-bachelors-degre/nq4sJ/>.

77. Maureen Downey, *Good News for Georgia Tech: House Approves Giving STEM Majors Bump in Their HOPE GPA*, Atlanta J.-Const.: myAJC: Get Schooled (Feb. 3, 2016), <http://getschooled.blog.myajc.com/2016/02/03/good-news-for-georgia-tech-house-approves-giving-stem-majors-bump-in-their-hope-gpa/>.

78. WSB-TV Atlanta, *supra* note 68.

79. Davis, *supra* note 65.

government or students, bringing Georgia into the forefront of innovation and STEM success.

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